

**REMARKS**

In light of the following remarks, reconsideration of the present application is requested. Claims 1, 4-8, 19, 27-31, and 33-38 are pending in the application. Claims 1 and 19 are amended. Claims 2, 3, 9-18, and 20-26, and 32 were previously cancelled. Claims 33-38 are new.

**35 U.S.C. §102 Rejections**

Claims 1, 4-6, 8, 19, and 27-31 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication 2004/0126095 to Tsumagari et al. ("Tsumagari"). The Applicants respectfully traverse.

Initially, the Applicants submit Tsumagari does not anticipate or render claim 1 obvious at least because Tsumagari fails to disclose or suggest *determining which AV data between the first AV data and the second AV data is to be reproduced in one of the first mode and the second mode*, as recited in claim 1.

Tsumagari discloses an apparatus A which uses one of a DVD disk and an enhanced DVD disk (see FIGS. 1 and 2). The Applicants acknowledge that Tsumagari's apparatus includes a means to communicate with an external source to download certain types of information. For example, paragraph [0106] explains: *this communication portion feeds the data (such as voice data, still picture data, text data, or motion picture data) included in the received ENAV contents to the element decoder 58 via the buffer portion 57*. Tsumagari's ENAV contents, as explained in paragraph [0106], provides reproduction control information.

The Applicants also acknowledge that Tsumagari's apparatus reproduces video data. However, the Applicants assert the video content is not provided by the internet

or included with the ENAV information downloaded therefrom, rather, the video content is provided from the DVD (see FIG. 1). Therefore, the Applicants submit Tsumagari does not provide an option of determining, from among AV data provided by the disk and AV data provided by the internet, which of the AV data is to be displayed. To the contrary, the only video data displayed by Tsumagari's apparatus is the video data on the disk. Accordingly, the Applicants submit Tsumagari cannot be relied on for disclosing, at least, *determining which AV data between the first AV data and the second AV data is to be reproduced in one of the first mode and the second mode*, as recited in claim 1.

Thus, Tsumagari only provides the user with combinations of data DVD video contents (allegedly the second video data) with ENAV contents recorded on a DVD disk or ENAV contents provided from the web content distribution server (see 9A to 9D). That is, Tsumagari fails to disclose video contents from the web content distribution server alone or with an ENAV contents. Accordingly, Tsumagari does not disclose, at least, *a combination of the first AV data and the first enhanced data, a combination of the first AV data and the second enhanced data*, as recited in claim 1.

For at least the reasons given above, the Applicants respectfully request the rejection of claim 1, and all claims which depend thereon, under 35 U.S.C. § 102(e) as being anticipated by Tsumagari be withdrawn.

For somewhat similar reasons the Applicants respectfully request the rejection of claim 19, and all claims which depend thereon, under 35 U.S.C. § 102(e) as being anticipated by Tsumagari be withdrawn.

**35 U.S.C. §103 Rejections**

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsumagari in view of U.S. Patent 7,116,894 to Chatterton ("Chatterton"), in further in view of U.S. Patent Publication 2004/0091249 to Mekenkamp et al. ("Mekenkamp"). The Applicants respectfully traverse.

As argued above, the Applicants submit Tsumagari does not disclose or suggest, at least, *determining which AV data between the first AV data and the second AV data is to be reproduced in one of the first mode and the second mode*, as recited in claim 1. Additionally, the Applicants submit the instant features are not disclosed by either Mekenkamp or Chatterton. Therefore, the Applicants submit that even if one skilled in the art did combine Tsumagari with Mekenkamp and Chatterton, the combination would not disclose the instant feature. Accordingly, the Applicants submit the combination of Tsumagari, Mekenkamp, and Chatterton cannot render claim 1 obvious. Furthermore, the Applicants submit claim 7 is nonobvious over the combination of Tsumagari, Mekenkamp, and Chatterton at least by virtue of its dependency on claim 1.

For at least the reasons given above, the Applicants respectfully request the rejection of claim 7 under 35 U.S.C. § 103 as being obvious over the combination of Tsumagari, Mekenkamp, and Chatterton be withdrawn.

**New Claims**

Claims 33-38 are new and are believed to be allowable at least by virtue of their dependencies on their respective base claims. In addition, the Applicants offer the following comments.

Claims 33 and 34 in view of Tsumagari

The Applicants submit Tsumagari does not disclose, at least, *providing an option to reproduce the first audiovisual (AV) data with the second enhanced data*, as recited in claim 33 and 34.

Initially, the Applicants note that Tsumagari discloses two sources of enhanced navigation contents (ENAV): 1) a DVD disc; and 2) the internet (see paragraphs [0027] and [0106]). As explained above, ENAV contents provide reproduction control information. As illustrated in FIGS. 5 and 6 of Tsumagari's reference, however, Tsumagari reproduces either the ENAV contents on the disk (see S27 and S33) or the ENAV contents from the web (S30). Tsumagari does not disclose reproducing the ENAV contents from the disk with the ENAV contents from the web. To the contrary, Tsumagari's device reproduces either the ENAV contents from the web or the ENAV contents from the disk.

In the Office Action, the Examiner asserts that the *first audiovisual (AV) data* recited in claim 1 reads on the ENAV data downloaded from the web (see page 4 of the office action) and asserts that the *second enhanced data*, as recited in claim 1, reads on the ENAV information provided on Tsumagari's disc. Assuming the Examiner's interpretation of the claims and the Tsumagari reference is reasonable (which is not admitted), the Applicants note that because Tsumagari does not disclose reproducing ENAV contents from the disk with ENAV contents from the web, Tsumagari does not disclose reproducing the alleged *first audiovisual (AV) data with alleged second enhanced data*. Accordingly, the Applicants submit Tsumagari cannot be relied on for teaching, suggesting, or disclosing, at least, *providing an option to reproduce the first audiovisual (AV) data with the second enhanced data*, as recited in claim 33 and 34.

**CONCLUSION**

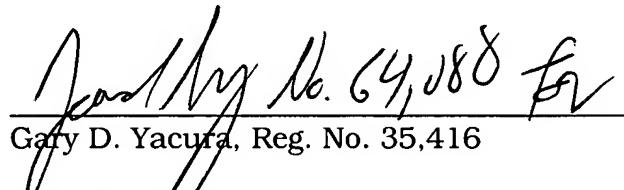
Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,  
HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
\_\_\_\_\_  
Gary D. Yacura, Reg. No. 35,416  
P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

GDY/DMB:eaf  
944792.1